

Information Disclosure Statement

The Examiner has refused to consider the information in the information disclosure statement filed on 12/27/01 because "it does not include a concise explanation of the relevance of each patent." However, Applicant respectfully submits that the information disclosure statement was necessary to fulfill its duty of disclosure under 37 C.F.R. § 1.56(a).

Applicant notes that the "Patent Office encourages applicants to carefully examine: (1) [p]rior art cited in search reports. . . and (2) [t]he closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office." 37 C.F.R. § 1.56(a). The information contained in the information disclosure statement was culled from the material listed in the regulation. Applicant asserts that the information disclosure statement and attached references, albeit numerous, were required to fulfill the Patent Office's duty of disclosure and requests consideration of the information.

35 U.S.C. § 102(b)**U.S. Patent No. 5,322,839 ("Voegeli")**

Claims 15-16, and 18-22 have been rejected as being anticipated by Voegeli. Applicant traverses this rejection for at least the following reason.

Voegeli does not teach each element of each pending claim and therefore cannot anticipate each pending claim. The methods of the pending claims require the use of "non-denatured soy product," which is not taught by Voegeli. Voegeli uses "a protein fraction" (col. 2, line 32), which has lipids removed with organic solvents. The organic extraction process and pH range of 2 to 10 (col.2, lines 51-56) would cause the denaturing of the protein, and therefore does

not teach a "denatured soy product." Applicant respectfully asserts that Voegeli cannot anticipate the claims and this rejection has been overcome and should be withdrawn.

U.S. Patent No. 6,323,219 ("Costanzo")

Claims 15 to 22 have been rejected as being anticipated by Costanzo. Applicant traverses this rejection for at least the following reasons. The pending application claims priority from U.S. Provisional Patent Application Serial Nos. 60/163,906 and 60/201,494 (the "'906 Application" and the "'494 Application" respectively). Costanzo similarly depends from the '906 Application and the '494 Application, but Applicant inadvertently did not claim the priority. Applicant will file the appropriate papers to correct the priority claim of Costanzo. Therefore, Costanzo is not prior art under §102 or 103. Applicant respectfully submits that this rejection has been overcome.

35 U.S.C. § 103(a)

Voegeli in view of Costanzo

Claim 17 has been rejected as being unpatentable over Voegeli in view of Costanzo. Applicant traverses this rejection for at least the following reasons.

In addition to Voegeli's lack of teaching a "denatured soy product," Applicant, as stated above, has filed the appropriate papers to correct the priority claims of Costanzo and remove it as a piece of prior art. Further, the Examiner notes that Voegeli does not teach antioxidants, chelating agents, retinol and/or thickening agents, and argues that it is "known to employ these agents in cosmetic compositions containing soy products." Therefore, Costanzo is not prior art, and Voegeli does not teach each and every element so the present claim is non-obvious. Applicant respectfully submits that this rejection has been overcome.

CONCLUSION

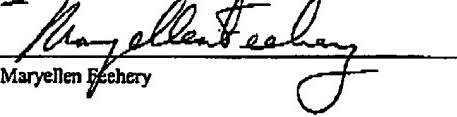
Applicant respectfully asserts that the application is in condition for allowance.

Reconsideration and the issuance of a Notice of Allowance are requested. If the Examiner has any outstanding issues, the courtesy of a phonecall is requested.

Authorization of Deposit Account

The Commissioner is hereby authorized to charge any fees or credit any overpayment, to Deposit Account 18-0586. This authorization also hereby includes a request for any extensions of time of the appropriate length required upon the filing of any reply during the entire prosecution of this application.

I hereby certify that this paper and the papers referred to herein as being transmitted, submitted, or enclosed herewith for application Serial No. 09/698,454 is/are being facsimile transmitted to the United States Patent and Trademark Office fax number 703 872 9306 on the date shown below.

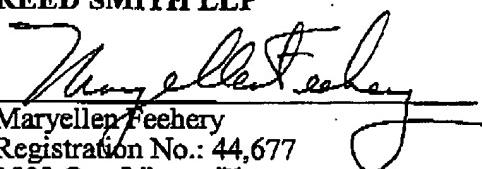

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November 1, 2002

Date of Facsimile Transmission

Respectfully submitted,

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